

REMARKS**Summary of the Office Action**

Claims 1-6 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Noborimoto et al. (U.S. Patent Application No. 2002/0085467) (hereinafter "Noborimoto").

Summary of the Response to the Office Action

New dependent claims 7 and 8 are added in order to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-8 are currently pending for consideration.

Rejection under 35 U.S.C. § 102(a)

Claims 1-6 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Noborimoto. The Examiner alleges that Noborimoto discloses all of the features of claims 1-6 of the instant application. For example, the Examiner alleges that the first electrode plate 33 of Noborimoto corresponds to the "first electrode section" of independent claims 1 and 4 of the instant application. In addition, the Examiner alleges that the second electrode plate 34 of Noborimoto corresponds to the "second electrode section" of independent claims 1 and 4 of the instant application.

Applicants respectfully submit that embodiments of the disclosure of the instant application, as described in each of independent claims 1 and 4, include an advantageous combination of features in that (1) a first electrode section is provided on the side of the laser

light source, the first electrode section including a first electrode pattern for correcting aberration concerning a first optical disc, and (2) a second electrode section is provided on the side of the optical disc, the second electrode section including a second electrode pattern for correcting aberration concerning a second optical disc different from the first optical disc in type.

Applicants respectfully submit that while Noborimoto discloses a first electrode plate 33 and a second electrode plate 34, as illustrated in its Fig. 5, each of these first and second electrode plates are not configured to respectively correct aberration of one of a first and second type of optical disc. In other words, the first electrode plate 33 is not specifically configured to correct aberration of only a first type of optical disc and the second electrode plate 34 is not specifically configured to correct aberration of only a second type of optical disc that is different from the first type of optical disc.

Instead, Applicants respectfully submit that the first electrode plate 33 of Noborimoto includes a pair of first electrode patterns 36a and 36b in addition to a second electrode pattern 37 having an elliptical shape. At the same time, the second electrode plate 34 of Noborimoto includes a common electrode pattern 38 facing the first and second patterns 36a, 36b and 37 of the first electrode plate 33. The second electrode plate 34 of Noborimoto is not provided “for correcting aberration concerning a second optical disc different from the first optical disc in type,” as specifically described in each of independent claims 1 and 4 of the instant application. Instead, as described in each of paragraphs [0061] and [0063] of Noborimoto, the first and second patterns 36a, 36b and 37 of the first electrode plate 33 work together with the common electrode pattern 38 of the second electrode plate 34 regardless of whether the first or second

types of magneto-optical disks 1a or 1b disclosed in Noborimoto are detected by the disk-type detecting unit 45 of Noborimoto.

Applicants therefore believe, for at least the foregoing reasons, that the subject matter of the present invention claimed in each of independent claims 1 and 4 respectively of the instant application is not anticipated by the disclosure of Noborimoto. Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(a) should be withdrawn because Noborimoto does not teach or suggest each feature of independent claim 1 or 4 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that the dependent claims, including newly-added dependent claims 7 and 8, are allowable at least because of their dependence from independent claim 1 or 4, and the reasons set forth above.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

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By:



Paul A. Fournier

Reg. No. 41,023

Customer No. 055694
DRINKER BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465